

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 07-20609
Hon. Lawrence P. Zatkoff

KEITH DUNN,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION FOR IMMEDIATE RELEASE

On March 13, 2008, Defendant pleaded guilty to one count of Failure to Pay Child Support under 18 U.S.C. § 228(a)(3). Defendant's arrearage was \$11,514.00 in missed payments, with interest raising the total amount owed to \$77,804.50. Based on the \$77,804.50 figure, the Court calculated a Sentencing Guideline range of 10-16 months and sentenced Defendant to five months imprisonment followed by a special probationary period of five months confinement at a Residential Re-entry Center (RRC).

Defendant appealed the guideline range calculation, arguing that the interest should not have been considered in the guideline determination. The Sixth Circuit agreed with Defendant and reversed and remanded the case for re-sentencing under a Sentencing Guideline range calculated using only the \$11,514.00 figure.

Following his successful appeal, Defendant moved for immediate release from the RRC, specifically waiving his right to a formal re-sentencing hearing. Defendant is currently scheduled to be released from the RRC on December 31, 2008. This motion was held in abeyance pending the United States Probation Department's request that Defendant submit a release address so that the Probation Department would be able to perform its post-confinement duties. On December 11,

2008, the Court was informed that Defendant had satisfactorily fulfilled this request.

It is HEREBY ORDERED that Defendant's motion for immediate release is GRANTED. It is FURTHER ORDERED that Defendant be credited with time served in this matter and be IMMEDIATELY RELEASED from the RRC. It is FURTHER ORDERED that all remaining terms of Defendant's sentence remain intact, including the term of probation and requirement that full restitution, including interest, be paid.

IT IS SO ORDERED.

Dated: December 12, 2008

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on December 12, 2008 a copy of the foregoing document was served upon the parties and/or counsel of record herein by electronic means or first class U.S. mail.

s/Tammy Hallwood
Deputy Clerk